IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (MAIN) NO. 239 OF 2007

PREMANAND KENKARE ... Appellant
Versus
MRS. YOGINI AVINASH VAZE AND ANR., ... Respondents

Mr. J. F. Melo,Advocate for the applicant.
Mr. D. Pangam, Advocate for the respondent No.1.

Coram:- D. B. BHOSALE, J.

Date:- 13th December, 2007

P.C.

Heard learned Counsel for the parties. By this application, applicant is seeking permission to compound the offence registered U/s.289 of the Indian Penal Code. Since the offence is non-compoundable, in the alternative, he has also prayed for quashing and setting aside the prosecution against him. In other words, he has prayed for quashing of F.I.R.No.84/2005 or the Criminal case No.135/05/B pending before the J.M.F.C.

This is a case of dog bite. The alleged incident occurred on 19.4.2005 at 7.00 a.m. for which the petitioner has been prosecuted of the offence punishable U/s.289 of the Indian Penal Code.

Mr. J. F. Melo, learned Counsel submitted that he has instruction to appear for respondent No.1-complainant. On instructions, he submits that the complainant has no objection for quashing the F.I.R. Considering the nature of allegations made in the F.I.R. and keeping in view the observations made by the Supreme Court in B.S.Joshi Versus State of Haryana, 2004(1) Bom.C.R. (Cri)93 and considering the no objection of respondent No.1 stating that the parties have amicably settled the disputes,

the proceeding i.e. Criminal Case No.135/05/B pending before the Judicial Magistrate First Class, Panaji are quashed. This application is accordingly disposed of.

D. B. BHOSALE, J.

SMA